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KMB/b 11/30/04 3790-66390-01 322323-

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Re application of:** Hegenauer et al.

**Application No.** 10/722,368

**Filed:** November 24, 2003

**Confirmation No.** 4632

**For:** COMPOSITIONS, METHODS, AND KITS  
FOR WEIGHT LOSS AND INHIBITING  
THE LOSS OF LEAN BODY MASS

**Examiner:** Not yet assigned

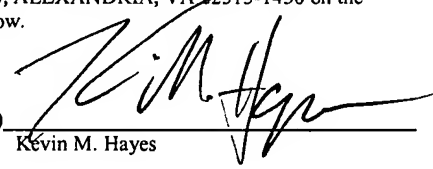
**Art Unit:** 1615

**Attorney Reference No.** 3790-66390-01

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Attorney  
for Applicant(s)

  
Kevin M. Hayes

Date Mailed November 30, 2004

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

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Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language and/or non-English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

As the present application was filed after June 30, 2003, copies of United States patents and United States published patent applications do not have to be provided to the Patent Office. This requirement of 37 C.F.R. § 1.98(a)(2)(i) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on August 5, 2003 (1276 OG 55). Applicants will provide copies of such patents upon request.

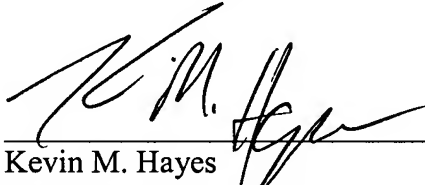
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However, if the Patent Office determines that a fee is required for Applicants to file this IDS, please charge any such fees, or credit overpayment, to Deposit Account No. 02-4550. A **duplicate** copy of this Information Disclosure Statement is enclosed.

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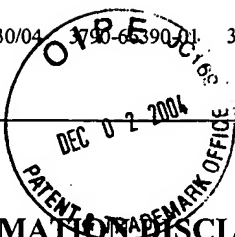
Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Kevin M. Hayes  
Registration No. 54,158

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 226-7391  
Facsimile: (503) 228-9446

cc: Client  
Docketing



**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**

Attorney Docket Number	3790-66390-01
Application Number	10/722,368
Filing Date	November 24, 2003
First Named Inventor	Hegenauer
Art Unit	1615
Examiner Name	Not yet assigned

**U.S. PATENT DOCUMENTS**

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Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		5,273,754	12/28/1993	Mann
		5,612,039	03/18/1997	Policappelli et al.
		5,614,553	03/25/1997	Ashmead et al.
		5,891,925	04/06/1999	Behr
		5,985,339	11/16/1999	Kamarei
		6,140,304	10/31/2000	Sears
		6,268,011	07/31/2001	Hoie

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials*	Cite No. (optional)	Country	Number	Publication Date	Name of Applicant or Patentee
		Japan	09227398 (abstract)	09/02/1997	Zeria Shinyaku Kogyo

**OTHER DOCUMENTS**

Examiner's Initials*	Cite No. (optional)	
		AIM SlimMetrix (visited Nov. 12, 2002) < <a href="http://www.feelhealthynow.com/weight/slimmetrix.htm">http://www.feelhealthynow.com/weight/slimmetrix.htm</a> >.
		Anderson et al., <i>Cardiovascular and renal benefits of dry bean and soybean intake</i> , AM J CLIN NUTR, 70:464S-474S (1999).
		Anderson, <i>Review: Chromium, glucose intolerance and diabetes</i> , J AM COLL NUTR, 17(6):548-555 (1998).

EXAMINER  
SIGNATURE:

DATE  
CONSIDERED:

\* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Application Number	10/722,368
		Filing Date	November 24, 2003
		First Named Inventor	Hegenauer
		Art Unit	1615
		Examiner Name	Not yet assigned
		Aoyama et al, <i>Effect of soy and milk whey protein isolates and their hydrosylates on weight reduction in genetically obese mice</i> , BIOSCI. BIOTECHNOL. BIOCHEM., 64(12):2594-2600 (2000).	
		Aoyama et al., <i>Soy protein isolate and its hydrolysate reduce body fat of dietary obese rats and genetically obese mice (Yellow KK)</i> , NUTRITION, 16:349-354 (2000).	
		Bahadori et al., <i>Effekt von chromhefe und chrompicolinat auf die körperzusammensetzung bei übergewichtigen, nichtdiabetischen patienten während und nach einer formula-diät</i> , ACTA MED. AUSTRIACA, 5:185-187 (1997) (German publication with English abstract).	
		Becker et al., <i>Comparison of the effects of various vanadium salts on glucose homeostasis in streptozotocin-diabetic rats</i> , EUR. J. PHARMACOL., 260:169-175 (1994).	
		Bell et al., <i>A functional food product for the management of weight</i> , CRIT. REV. FOOD. SCI. NUTR., 42(2):163-78 (2002) (abstract).	
		Bhanot et al., <i>Vanadyl sulfate lowers plasma insulin and blood pressure in spontaneously hypertensive rats</i> , HYPERTENSION, 24(5):625-632 (1994).	
		Brichard et al., <i>The role of vanadium in the management of diabetes</i> , TRENDS PHARMACOL. SCI., 16:265-270 (1995).	
		Cohen et al., <i>Oral vanadyl sulfate improves hepatic and peripheral insulin sensitivity in patients with non-insulin-dependent diabetes mellitus</i> , J. CLIN. INVEST., 95:2501-2509 (1995).	
		Crawford et al., <i>Effects of niacin-bound chromium supplementation on body composition in overweight African-American women</i> , DIABETES, OBESITY AND METAB., 1(6):331 (1999) (abstract).	
		EAS Myoplex Lite (vanilla cream) (visited Nov. 12, 2002) < <a href="http://www.fitnessfirstusa.com/details.asp?item+5650">http://www.fitnessfirstusa.com/details.asp?item+5650</a> >.	
		Future Perfect (visited Nov. 12, 2002) < <a href="http://www.bodywise.com/bwcatalog/PWM104.asp">http://www.bodywise.com/bwcatalog/PWM104.asp</a> >.	
		Goodman-Gruen et al., <i>Usual dietary isoflavone intake is associated with cardiovascular disease risk factors in postmenopausal women</i> , JOURNAL OF NUTRITION, 131:1202-1206 (2001).	
		Grant et al, <i>Chromium and exercise training: effect on obese women</i> , MED. SCI. SPRTS. EX., pp. 992-998 (1997).	
		Hagan et al., <i>The effects of aerobic conditioning and/or caloric restriction in overweight men and women</i> , MED. SCI. SPRTS. EX., 18(1):87-94 (1985).	
		Halberstam et al., <i>Oral Vanadyl sulfate improves insulin sensitivity in NIDDM but not in obese nondiabetic subjects</i> , DIABETES, 45:659-66 (1996).	

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		Hurley et al., <i>Soy protein isolate in the presence of cornstarch reduces body fat gain in rats</i> , CAN. J. PHYSIOL. PHARMACOL., 76:1000-1007 (1998).	
		Jarrow Formulas Glycemic Balance (visited Nov. 12, 2002) < <a href="http://www.iherb.com/glycemic.html">http://www.iherb.com/glycemic.html</a> >.	
		Judy et al., <i>Antidiabetic Activity of a Standardized Extract (Glucosol) from Lagerstroemia Speciosa Leaves in Type II Diabetes. A Dose-Dependence Study</i> , J. ETHNOPHARMACOL., 87(1):115-117 (2003).	
		Kaats et al., <i>A randomized, double-masked, placebo-controlled study of the effects of chromium picolinate supplementation on body composition: A replication and extension of a previous study</i> , CURRENT THERAPEUTIC RESEARCH, 59(6):379-388 (1998).	
		Kaats et al., <i>Effects of chromium picolinate supplementation on body composition: A randomized, double-masked, placebo-controlled study</i> , CURRENT THERAPEUTIC RESEARCH, 57(10):747-756 (1996).	
		Kashi GoLEAN Ready-To-Drink Shakes (visited Nov. 12, 2002) < <a href="http://www.kashi.com/prodandnutsh.html">http://www.kashi.com/prodandnutsh.html</a> >.	
		Keto Soy Shakes (visited Nov. 12, 2002) < <a href="http://www.healthierways.com/soy_shakes.htm">http://www.healthierways.com/soy_shakes.htm</a> >.	
		Kozlovsky et al., <i>Effects of diets high in simple sugars on urinary chromium losses</i> , METABOLISM, 35:515-518 (1986).	
		Liu et al., <i>An extract of Lagerstoemia speciosa L. has insulin-like glucose uptake-stimulatory and adipocyte differentiation-inhibitory activities in 3T3-L1 cells</i> , J. NUTR., 131:2242-2247 (2001).	
		Miller Pharmacal Group Cr Plus Protein (visited Nov. 12, 2002) < <a href="http://www.millerpharmacal.com/products/cr_plus_protein.html">http://www.millerpharmacal.com/products/cr_plus_protein.html</a> >.	
		Moeller et al., <i>Isoflavone-rich soy favorably affects regional fat and lean tissue in menopausal women</i> , FASEB JOURNAL, 14 A487 (2000) (abstract).	
		Naturemax 'Plus' Protein Powder Strawberry (visited Nov. 12, 2002) < <a href="http://www.koshervitamns.com/cgi-bin/dbman/db.cgi?Item=MXP-30">http://www.koshervitamns.com/cgi-bin/dbman/db.cgi?Item=MXP-30</a> >.	
		Ohr, <i>Shedding light on weighty issues</i> , FOODTECHNOLOGY, 56(8):125-128 (2002).	
		Protein Plus with Chromium Chelavite, 1 p. (product sheet from website visited November 12, 2002)	
		Saito, <i>Effects of soy peptides on energy metabolism in obese animals</i> , NUTR. SCI. SOY PROTEIN, JPN., 12: 91-94 (1991).	

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		Schoenhals, Weight Management, Natural Products Industry Insider (visited Nov. 12, 2002) < <a href="http://www.naturalproductsinsider.com/articles/261feat1.html">http://www.naturalproductsinsider.com/articles/261feat1.html</a> >.	
		Shaklee Corporation, Appetite Reducing Spray Product Brief, 4 pp. (November 2003).	
		Shaklee Corporation, Appetite Reducing Spray Product Label, 1p. (November 2003).	
		Shaklee Corporation, Appetite Reducing Spray Talksheet, 3 pp. (November 2003).	
		Shaklee Corporation, Appetite Reducing Spray, A Health Sciences Response, 2 pp. (November 2003).	
		Shaklee Corporation, Craving Reduction Complex Product Brief, 3 pp. (November 2003).	
		SlimBalance Soy Protein Meal Replacement for Fast Weight Loss (visited Nov. 12, 2002) < <a href="http://www.health4her.com/mealreplacement.cfm?adnum=sbhome">http://www.health4her.com/mealreplacement.cfm?adnum=sbhome</a> >.	
		Slim Fast Soy Protein Shake Mix, Chocolate Delite (visited Nov. 12, 2002) < <a href="http://www.drugstore.com/qxp69522_333181_SESpider/Slim_Fast/Soy_Protein_Shake_Mi...">http://www.drugstore.com/qxp69522_333181_SESpider/Slim_Fast/Soy_Protein_Shake_Mi...</a> >.	
		Suddenly Slim! Body FX (visited Oct. 27, 2004) < <a href="http://www.firstfitness.com/sudslim/about_sudslim/about_ss.asp">http://www.firstfitness.com/sudslim/about_sudslim/about_ss.asp</a> >.	
		Suzuki et al., <i>Antiobesity activity of extracts from Lagerstroemia speciosa L. leaves on female KK-Ay mice</i> , J NUTR. SCI. VITAMINOL (Tokyo), 45(6):791-5 (1999) (abstract).	
		Twinlab Ripped Fuel Thermogenic Protein Drink (visited Nov. 12, 2002) < <a href="http://www.drugstore.com/qxp31981_333181_sespidet/twinlab/ripped_fuel_thermogenic_p...">http://www.drugstore.com/qxp31981_333181_sespidet/twinlab/ripped_fuel_thermogenic_p...</a> >.	
		Ultimate Slim Soy Protein Shakes (visited Nov. 12, 2002) < <a href="http://www.greatamericanproducts.com/p_slimsoy.html">http://www.greatamericanproducts.com/p_slimsoy.html</a> >.	
		Volgarev et al., <i>Evaluation of isolated soy protein foods in weight reduction with obese hypercholesterolemic and normocholesterolemic obese individuals</i> , NUTRITION REPORTS INTERNATIONAL, 39:61-72 (1989).	

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